

1 **ST. MARYS CITY COUNCIL**  
2 **ST. MARYS, GEORGIA**

3  
4 At the regular meeting of the St. Marys City Council, held in the St. Marys City Hall,  
5 St. Marys, Georgia:

6  
7 Present:

8  
9 John S. Morrissey , Mayor  
10 Robert Nutter, Councilman, Post 1  
11 Nancy Stasinis, Councilwoman, Post 2  
12 Jim Gant, Councilman, Post 3  
13 Sam Colville, Councilman, Post 4  
14 David Reilly, Councilman, Post 5  
15 Linda Wells, Councilman, Post 6  
16

17 On motion of \_\_\_\_\_, which carried \_\_\_\_\_, the  
18 following Ordinance amendment was adopted:

19  
20 AN AMENDMENT TO THE CODE OF ORDINANCES, CITY OF ST.  
21 MARYS, GEORGIA, SECTION 62, HISTORIC PRESERVATION TO  
22 REGULATE ADD SIGNAGE WITHIN THE HISTORIC DISTRICT AND  
23 FOR OTHER PURPOSES.  
24

25 Be it, and it is, hereby ordained by the Mayor and Council of the City of St. Marys,  
26 this 17th day of March, 2014 that section 162 Historic Preservation of the Code  
27 of Ordinances, City of St. Marys, Georgia is hereby amended to read as follows:  
28

29 Section 62-36, Definition:

30  
31 ADD the following definition to

32  
33 *Code Compliance Officer (CCO):* For the purposes of this ordinance, any reference to Code  
34 Enforcement Officer shall refer to the properly designated CCO.  
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36 REVISE the following definition to delete all existing text after the word  
37 'carport' add the following NEW phrase after the word 'carport':  
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39 pools (in ground or above ground), heavy-duty playground equipment (fixed to ground or  
40 unfixed), and/or signage.  
41

42 Section 62-63. Members

43 Change the words no less than two to a new phrase:  
44

45 A maximum of two members . . .

46 **Section 62-115 Submission of Plans**

47 **ADD the following sentence at the end of this paragraph:**  
48

49 **No application for a COA will be considered complete without a date.**

Section 62-114. Guidelines and criteria

ADD the following NEW paragraph 'B':

B. Signs located within the St. Marys Historic District

- (1) Purpose. In support and furtherance of its findings and determination that the historical, cultural and aesthetic heritage of the City of St. Marys is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people; in order to stimulate revitalization of the waterfront district and historic neighborhoods and to protect and enhance historical and aesthetic qualities of the city for the enjoyment of the city's residents and visitors alike; in order to enhance the opportunities for federal tax relief of property owners under relevant provisions federal law. In order to provide for designation, protection, preservation and rehabilitation of historic properties and districts and to participate in federal programs to do the same; in order that the above activities will perpetuate the city's high quality of life for present and future generations. The Mayor and Council of the City of St. Marys hereby declare it to be the purpose and intent of this article to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures and works of art having a special historical, cultural or aesthetic interest or value, in accordance with the provisions of the article.
- (2) Definitions. For the purposes of this article and except as may be revised herein, definitions of any term shall be consistent with the definitions contained in Section 46-137 of the Ordinances of the City of St. Marys. In the absence of any definition listed below, the New American Dictionary, latest edition shall be used to provide the proper definition.
- (3) General: Any sign proposed to be erected within physical limits of the St. Marys Historic District regardless of the underlying zoning shall be submitted for a Certificate of Appropriateness (COA) from the Historic Preservation Commission (HPC). The Planning Commission will not review or approve any signage within the Historic District.
- (4) Adherence to HPC Guidelines: All owners or prospective owners of businesses or residential properties in the Historic District must adhere to HPC guidelines whose sole purpose is to retain the historic character of the district. All signs visible from the public street or public alley and/or directly adjacent to the public street or alley shall be within the jurisdiction of the HPC.
- (5) Criteria: When considering applications for certificates of appropriateness for new or revised signage in the historic district, the HPC shall use the criteria contained within this ordinance.
  - a. For the purposes of this section, the term signs shall include banners, fixed signage, free standing signage, flags, sandwich board signs, push-in signs, streamers, balloons, canopy advertising, umbrella advertising, mobile parked vehicle signage (but not including signs on vehicles doing business within the district), and similar advertising media. Sign requests shall be submitted on an application form as approved by the HPC with date of submission to the Planning Department.
  - b. Signs shall strictly comply with this section of Ordinance 62.
  - c. Signs shall initially be reviewed by staff of the Planning Department as to completeness of the submitted documents. Incomplete applications will not be accepted by the staff of the Planning Department or reviewed by the HPC.
  - d. Complete applications for any signs shall then be submitted to the HPC for review in public session with the HPC voting to approve or disapprove the submitted sign. The Owner of the sign or representative authorized in writing to represent the owner, is required to be in attendance to present the application to the HPC. Owner or Representative shall be authorized to make decisions for - or on behalf of - the Owner.
  - e. Signs must not distract or detract from the visual historic character of the St. Marys Historic District and shall not obscure architectural details of the building and property.
- (6) Specific Regulations:
  - a. No more than two exterior signs per lot. Of the two exterior signs, only one may be pylon or freestanding.
  - b. All freestanding or pylon signs shall be considered a special use, under the requirements of a special use listed in Ordinance 110. In consideration of the special use, applicant shall note the height, size (not to exceed 25 square feet on one side), location, photographs of the location, type of construction, whether the pylon sign will block any historic features,

illumination, and whether the sign would create a safety or visibility problem with pedestrians or vehicles as well as other factors that the HPC would need to consider before granting approval. Materials for freestanding signs should use materials that coordinate with the surrounding properties construction design. The base of said signs shall be shielded by plants. Materials for freestanding signs should be of wood or a material that closely resembles wood in appearance.

c. Other exterior wall signs shall either be attached flat against the wall or project at 90 degrees from the wall for maximum of 36 inches. Signs flat on the wall shall not project out from the surface more than 6" and not create a safety or visibility problem with pedestrians or vehicles. The total size of all wall and projecting signs is 40 square feet.

d. Multi-tenant buildings with separate doors to the exterior may post one sign at each main entry not to exceed two square feet.

e. Multi-tenant buildings with one main door to the exterior shall post one sign at the main entry not to exceed 6" by 18" for each tenant stacked vertically.

f. Signs may be illuminated from ground mounted up-lamps with no spillover of light that will affect pedestrian and vehicle traffic.

g. Backlit, neon, digital, LED, flashing, or changing illumination is prohibited whether located on the exterior or behind the glass and visible from the sidewalk or street

h. Non-illuminated signage in the windows of exterior windows shall be no more than 20 square feet to enable visibility into the building for security purposes.

i. Signs with changeable or moveable letters/messages are not permitted.

j. Roof signs are not permitted.

k. Billboards are not permitted.

l. Freestanding signs (similar to sandwich signs) may not be located on sidewalks or on street right-of-ways or on medians.

m. One push-in real estate sign not to exceed four (4) square feet located OFF of the public ROW is permitted.

n. Political signs not to exceed two (2) square feet per sign for any registered candidate (for any City, County, or Federal election), one per candidate, only on privately owned property with consent of the property owner but NOT within the Right of Way (ROW).

o. Yard sale signs are not permitted anywhere within the Historic District.

p. Signs advertising businesses or activities not located on the same site as the sign are not permitted.

q. Businesses or activities located outside of the Historic District are not permitted to post signage of any type within the Historic District.

r. Intensive holiday displays (such as but not limited to festivals/activities relating to Christmas, New Years, Easter, July 4th, Rock Shrimp, Mardi Gras) shall receive a COA from the HPC, as well a City review based on the Assembly portion of the City Ordinances prior to sixty (60) days of the event. Any signage regarding sponsorship shall be limited to 8" by 24".

s. Paintings or works of art that do not convey a commercial message are permitted upon approval of the HPC.

t. There shall be no signs advertising alcohol or products containing alcohol.

u. Official flags. Official U.S. or GA flags shall be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes, or State of GA as applicable.

v. Traffic safety and traffic directional signs installed within the right-of-way of a public street, and traffic safety and traffic directional signs along private streets driveways, and in off-street parking lots that are installed per the requirements of the city engineer or per city, state, or federal ordinance shall be permitted.

w. Street address numbers attached to buildings (maximum letter height 12 inches) to ensure visibility for public service recognition shall be permitted.

x. Any sign not visible from a public street does not require Historic Preservation Commission approval.

y. Signs pertaining to the time a business, activity, or establishment is open, and conditions under which patrons may receive service, including credit card identification signs or stickers up to a total of all such signs to a maximum of one square feet in area per main entry door.

z. Any signage regarding 'official' sponsorship of any event held on a private property shall be limited to 8 inches by 24 inches and not be placed within the ROW. Sponsorship signs

- shall be permitted to be placed only on the parcel containing the event a maximum of thirty (30) days in advance of the event, with removal ten (10) days after the event.
- (7) Prohibited signs. The following types of signs are prohibited in all zoning districts of the city, except as otherwise specifically provided by this section:
- a. Animated signs.
  - b. Automated changeable copy signs.
  - c. Flashing signs.
  - d. Any air- or gas-filled balloons.
  - e. Portable signs.
  - f. Pylon signs not otherwise permitted per this Section.
  - g. Roof signs not permitted.
  - h. Sidewalk signs not otherwise permitted per this Section.
  - i. Streamers and pennants.
  - j. Signs that imitate an official traffic sign or signal. This includes signs that use colored lights at any location or in any manner so as to be confused with, or construed as, traffic control devices.
  - k. Signs within the right-of-way, including those attached to traffic signs or telephone poles, trees, the ground, or vehicles of any wheeled or wheel-less type.
  - l. Signs attached to trees, other natural features and utility poles.
  - m. Signs attached to courtesy benches, trashcans, and similar devices, with the exception of signage related to the ownership of such items.
  - n. Trailer mounted signs.
  - o. Banners.
  - p. Any sign or outdoor advertising display that depicts any material which is obscene as defined in O.C.G.A. § 16-12-80.
  - q. Any sign or outdoor advertising display that shows nudity as defined in O.C.G.A. § 32-6-75.
  - r. Signs illuminated in such a way that they cast intense light onto any residential premises or public roadways, or impair motorist vision, as determined by law enforcement personnel.
  - s. No exterior outdoor advertising or interior advertising visible from the exterior shall be erected in the city advertising or promoting the sale of alcoholic beverages.
  - t. Signs shall not be erected, constructed or maintained so as to obstruct any fire escape, any window, door or opening used as a means of egress.
  - u. State law prohibits the placement of any sign on city right-of-ways, including political signs. Signs on the city or state right of ways are considered littering and a misdemeanor and be subject to the fines for littering and for removal costs as noted herein.
  - v. All signs prohibited by the Official Code of Georgia.
  - w. Consistent with the Internal Revenue Code of 1954 Rev. Rule 585-89(7)(b), a private club should not advertise its facilities for nonmember patronage since this would be prima facie evidence it was engaging in business.
  - x. Push in signs for any purpose (except real estate signs and signs not to exceed two (2) square feet per sign for any registered candidate for any City, County, or Federal election) are not permitted within the Historic District or on privately owned property or within the street Right of Way (ROW).
- (8) Administration
- a. All signs erected within the St. Marys Historic District must have approval of the Historic Preservation Commission.
  - b. A Certificate of Appropriateness (COA) application in a form approved by the HPC must be completed, submitted to the Planning Director or designated staff member for completeness at least fifteen (15) days in advance of the regularly scheduled monthly meeting.
  - c. The Application will be reviewed and approved by the historic preservation commission at their regularly scheduled monthly meeting.
  - d. The applicant for a COA must be in attendance to present their application. A written letter of authorization for another to represent them can be provided should the applicant wish to have another represent them.
  - e. Upon approval, all signs must conform to the regulations of this article.

f. The director of planning or designated staff member shall be authorized to issue sign permits after approval by the HPC in accordance with the provisions of this article.

g. The city shall process all sign permit applications within 30 business days of the city's actual receipt of both a completed and approved COA and a sign permit fee. In no event, except with permission of the applicant, may the director of planning or designated staff member delay acting upon a sign permit application.

h. The director of planning or designated staff member shall reject any application containing any false material statements or omissions. Any rejected application later resubmitted shall be deemed to have been submitted on the date of re-submission, instead of original submission. Should it be determined that a sign permit was issued pursuant to an application containing a false material statement or omission, the director of planning or designated staff member shall revoke said application and the subject sign shall be removed. A revocation pursuant to this section shall be appealable pursuant to this article.

i. Sign permit expiration date. A sign permit shall become null and void if the sign for which the permit was issued has not been completed within 12 months after the date of issuance. No refunds will be made for a permit after the permit is issued. If later an individual desires to erect a sign at the same location, a new application for the sign must be processed, the approval process restarted from the beginning, and another fee paid in accordance with the fee schedule applicable at such time.

j. Sign permit fees. No sign permit shall be issued until the appropriate application has been filed with the director of the department of planning or designated staff member and fees have been paid as adopted from time to time by the St. Marys City Council.

k. Upon failure of the sign owner, lessee, or property owner to comply with this article, the planning director shall give written notice of intent to obtain a removal order, by registered or certified mail with return receipt requested, to the sign owner, lessee, or property owner. Among other items, provided to the sign owner will be a written notice, certified and return receipt requested, to be and appear at the next regularly scheduled meeting of the HPC to show cause why said sign should not be subject to a removal order. At such meeting the following will transpire.

- (1) The planning and zoning director will provide the reasons why the sign should be removed and the sign owner will be awarded the opportunity to explain why the sign should remain.
- (2) Afterwards, members of the general public may be granted the opportunity to speak at the discretion of the planning commission chairman. Thereafter, any member of the planning commission may make a motion to take action.
- (3). upon the motion being seconded, discussion will follow customary meeting procedures as contained elsewhere in Section 62 – Historic Preservation.

(9) Nonconforming signs.

- a. Nonconforming signs that met all legal requirements when erected may stay in place until the deterioration of the sign or damage to the sign makes it a threat to public safety, and no repairs have been effected within five days of receipt of registered or certified notice, return receipt requested, from the director of planning or building directing that immediate repairs are necessary to protect public safety. Any sign removed in accord with this section, shall not be replaced except in accord with the current requirements of this article.
- b. Any nonconforming sign shall either be eliminated, or made to conform to the requirements of this article, when any proposed change, repair, or maintenance would constitute an expense of more than 50 percent of the lesser of the original value or replacement value of the sign.

(10) Enforcement. This article shall be administered and enforced by the director of the department of planning or building or his or her designee. In case any sign that is proposed to be erected, constructed, altered, converted, or used in violation of any provision of this article, the director of the department of planning or building may, in addition to other remedies, and after notice to the appropriate person, issue a citation for violation of the city ordinance thereby requiring the presence of the violator in municipal court; institute the filing of a petition for an injunction, or other appropriate action or proceeding to prevent such unlawful erection, construction, alteration, conversion, or use to correct or abate such violation. Additionally, the director of the department of planning or building may have the sign removed at the expense of the owner with a lien filed against the property, and may issue a

1 citation for violation of the city ordinance to the agent that placed the sign, as well as those  
2 parties responsible for directing the agent, including the person or business owner whose  
3 name, message, and/or address, and/or telephone number appears on the sign.

4 a. The City, without warning or notice to the sign owner, may remove any sign located  
5 within a public street right-of-way immediately. Signs so removed shall be immediately  
6 destroyed without any consideration of compensation to the sign owner, known or unknown.

7 b. Penalty for violation. Any person violating any provision of this article or conditions  
8 of the issued permit, or stop-work order shall be subject to a fine up to \$1,000 per violation  
9 per day or by imprisonment for a period not to exceed 60 days, or both.

10 c. City occupation taxes, public liability insurance required. It shall be a violation of  
11 this article for any person to engage in the business of erecting or maintaining signs within the  
12 city, unless and until such entity shall have paid a city occupational tax or furnished proof of  
13 payment of an occupation tax to another municipality or county, reference section 22-24 of  
14 the St. Marys Code of Ordinances, and a certificate of insurance from an insurance company  
15 authorized to do business in the state evidencing that the person or entity has in effect public  
16 liability and property damage insurance.

17 d. Termination of sign permit and/or city occupation license. Violation of any  
18 provision of this article will be grounds for terminating the sign permit granted by the city to  
19 the owner and/or the occupation tax certificate of the person or entity erecting the sign.  
20 Except as otherwise provided in this article, no permit and/or occupation tax certificate shall  
21 be suspended, revoked or canceled except for cause as hereinafter defined, and the permittee  
22 is granted a public hearing before the planning commission. The permittee will be given ten  
23 days' written notice, by certified mail and return receipt requested, of the time, place and  
24 purpose of the hearing, with a statement of the reason for the suspension, revocation or  
25 canceling of such permit and/or certificate. "Cause" is the willful and/or continued violation  
26 of the provisions of this article. The termination of the permit and/or license does not in any  
27 way preclude the person or persons alleged to have violated the provisions of this article from  
28 being tried under the enforcement provisions of this article. Should a permittee fail to pick up  
29 the certified mail, and said mail is returned, this failure to pick up will not delay the  
30 termination action or create any defense to stay any enforcement action.

31 e. Removal of abandoned signs. It is the intent of this section to establish reasonable  
32 time periods for the removal of abandoned signs. For purposes of this section, all signs  
33 pertaining to a business, service, institution, industry, or other activity that ceases operations  
34 shall be deemed to be abandoned. For purposes of this section, "ceases operations" shall be  
35 interpreted literally and to include cases where there is substantial evidence that a business or  
36 activity has vacated the building or grounds; provided, further, that this section shall not apply  
37 to any case where a business or activity is temporarily suspended and there is evidence that  
38 the business or activity will resume operations within a specifically designated period. It shall  
39 be the responsibility of the property owner, the operator of a business or activity discontinuing  
40 a lease if any, and the leasehold manager if any, ensuring compliance with the provisions of  
41 this section and each owner, operator, or manager shall be considered individually responsible  
42 for compliance with this section. Property owners will be given written notice, by certified  
43 mail with return receipt requested, of the appropriate procedures necessary for abandoned  
44 signs. Should a property owner fail to pick up the certified mail, and said mail is returned,  
45 this failure to pick up will not delay the termination action or create any defense to stay any  
46 enforcement action.

47 (1) All abandoned signs that meet the definition of a window sign, wall sign, off-  
48 premises directional sign, marquee or canopy sign, temporary sign requiring a permit,  
49 or temporary sign, shall be removed within ten days from the date of discontinuance.  
50 The director of planning or building may permit an extension of this removal period  
51 only in cases where special equipment is needed to remove the sign and removal of the  
52 sign structure cannot reasonably be arranged by the sign owner within the ten-day time  
53 period.

54 (2) All abandoned signs that meet the definition of a pylon sign shall be removed  
55 within 60 days from the date of discontinuance. The director of planning or building  
56 may permit one 30-day extension of this removal period only in cases where special  
57 equipment is needed to remove the sign or sign structures, and removal of the structure  
58 cannot reasonably be arranged by the sign owner within the 60-day time period.

(3) This section shall not apply to the structure of a monument sign, provided that it might reasonably be used by a future tenant or property owner, complies with the provisions of this article, and is maintained in good condition; provided further, that the following shall be met:

a. If an abandoned monument sign contains a message panel that is removable from the monument structure without disassembling the monument, then within 30 days of the date of discontinuance said panel shall be removed and the portion of the monument structure that previously held the message panel shall be covered with durable cloth or canvas to avoid the appearance of blight, until such time as a new sign permit is applied for and granted and an approved sign panel is installed in said monument.

b. If an abandoned monument sign contains a sign copy area that is not removable without disassembling the monument, then said sign copy area shall be modified (e.g., painted over) or covered with durable cloth or canvas so that the sign copy pertaining to the business or activity discontinued is no longer visible, until such time as a new sign permit is applied for and granted and approved sign copy is affixed on the sign copy area of said monument.

c. Removal of signs not maintained. All signs shall be maintained by the property owner in good condition so as to present a neat and orderly appearance. The director of the department of planning or building may remove or cause to be removed, after proper written notice, any sign that shows gross neglect, becomes dilapidated, or in the opinion of the chief building inspector poses a threat to public safety. The director of the department of planning or building or his designee will give the owner 45 days written notice, by certified mail with return receipt requested, to correct the deficiencies or to remove the sign or signs, except signs that pose a threat to public safety which shall be removed in accord with this section. If the owner refuses to correct the deficiencies or remove the sign, the director of the department of planning or building or his designee will have the sign removed at the expense of the owner, with a lien filed against the property. Should a permittee fail to pick up the certified mail, and said mail is returned, this failure to pick up will not delay the termination action or create any defense to stay any enforcement action.

## Section 62-179. Enforcement and Penalties

REPLACE existing paragraph 'a' and ADD the following NEW paragraph 'a':

This article shall be enforced by the Code Compliance Officer and/or Building Director of the City of St. Marys or their duly authorized representatives, as applicable.

**These Amendments** shall become effective upon passage.

**ST. MARYS CITY COUNCIL  
ST. MARYS, GEORGIA**

\_\_\_\_\_  
JOHN S. MORRISSEY, MAYOR  
ATTEST:

\_\_\_\_\_  
DEBORAH WALKER-REED, CITY CLERK  
CITY OF ST. MARYS, GEORGIA